

In re Patent Application of:
SILJENBERG ET AL.
Serial No. 09/995,107
Filed: **NOVEMBER 27, 2001**

IN THE DESCRIPTION

Replace the first three paragraphs on page 1, lines 2 to 13 of the description with:

Related Applications

Related United States patent applications by Randolph B. Heineke and David John Orser ~~assigned to the present assignee~~ are being filed on the same day as the present patent application and including:

United States patent application Serial Number 09/995,108, published as United States Patent Publication No. 2003/0099017, entitled "FIBER OPTIC TRANSCEIVER ARRAY AND FIBER OPTIC TRANSCEIVER CHANNEL FOR SHORT WAVE FIBER OPTIC COMMUNICATIONS"; and

United States patent application Serial Number 09/994,229, published as United States Patent Publication No. 2003/0099021, entitled "DETECTOR FOR SHORT WAVE FIBER OPTIC COMMUNICATIONS WITH COMPENSATION TO REDUCE DETECTOR JITTER".

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REMARKS

Claims 1 to 19 are currently pending. Claims 1, 2, 5, 9 to 12 and 16 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of co-pending United States Patent Application No. 09/995,108 (Bregman). Claims 3, 4, 6 to 8 and 13 to 15 have been objected to as being dependent upon a rejected base claim, but would allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 17 to 19 have been allowed.

The present application was acquired by JDS Uniphase Corporation from International Business Machines Corporation, see Reel/Frame 013498/0629; however, United States Patent Application 09/995,108 (Bregman) was not acquired by JDS, and presumably remains in the name of the original applicant. Accordingly, reconsideration of the obviousness-type double patenting rejection is hereby requested.

It should be noted that an essential feature of the Bregman application, i.e., the reason for filing a separate patent application, is the provision of a "power distribution bypass capacitor", which is not disclosed or claimed in the present application and constitutes a patentably distinct improvement over the invention claimed in the present application. Namely, the claims in the present application and the Bregman application are patentably distinct from one another, as the Bregman application claims essential features (i.e., a capacitor) not found in the present application.

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The description of the application has been updated in accordance with recent developments relating to the related applications.

As such, it is respectfully submitted that all of the claims remaining in the application are in condition for allowance. Early and favorable consideration would be appreciated.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 703-872-9306 to MS AMENDMENT, COMMISSIONER FOR PATENTS, this 2 day of July 2005.

